

1 FISHHER: BILL FISHER.  
2 KEVIN DEAN: Hey, BILL. This is KEVIN. How you doing?  
3 FISHHER: Good. How are you?  
4 DEAN: Hey, JOHN wanted to know if you had any pictures,  
5 or renderings of the project?  
6 FISHHER: I have some pictures of some other mixed-use,  
7 uh, deals that have been done. I have a, in my  
8 agreement with the neighbors, I have an example of how  
9 the project will look from the one that's up on Forest  
10 Lane.  
11 DEAN: Okay. Uh, Laughs he, he...  
12 FISHHER: I can, I can, I can scan it and e-mail it over  
13 to you.  
14 DEAN: Okay. Can you do that? Because he wanted to  
15 have some stuff with, in his office to show that he  
16 was on top of it and, when, uh, Mister HILL walks in.  
17 FISHHER: That's fine. I'll, uh, I'll scan this, uh,  
18 couple of these shots and e-mail them over to you.  
19 This...  
20 DEAN: UI  
21 FISHHER: These, just so you know, these pictures are  
22 an attachment to our agreement with the neighbors.  
23 DEAN: Okay. It's, it's an, uh, it's an attachment to  
24 your agreement with the neighbors.  
25 FISHHER: With the neighbors. That's right. About

1 how...

2 DEAN: Okay.

3 FISHER: The exterior finishes and design will look.

4 Something similar to this.

5 DEAN: Okay.

6 FISHER: All right?

7 DEAN: Okay.

8 FISHER: I'm gonna, suh, the only e-mail address I have

9 is yours, so...

10 DEAN: Okay.

11 FISHER: I'll send it to yours.

12 DEAN: Okay.

13 FISHER: Um, when are you guys getting with DON? Do you

14 know?

15 DEAN: Uh, he's got a call in to him here.

16 FISHER: Okay.

17 DEAN: STEVE is supposed to get back with him today.

18 FISHER: Again, really, if you know what the time is, I

19 can use that to light a fire over here. And, uh,

20 remember after you guys wrap up, you need to let me

21 know what the budget is.

22 DEAN: UI

23 FISHER: Cause I don't wanna run, I don't wanna run

24 this...

25 DEAN: Like I said, don't worry about the budget right

1 now.

2 FISHER: Well, but again, there's UI I'm not  
3 worried about it, but the reality is there's no sense  
4 in...

5 DEAN: I gotcha.

6 FISHER: Okay. All right. We're on the same page. I  
7 gotta...

8 DEAN: Okay.

9 FISHER: I don't want you to be running down a trail  
10 on something I can't do. Okay?

11 DEAN: UI

12 FISHER: All-righty.

13 DEAN: BILL, we said we'll take care of it, right?

14 FISHER: All-righty.

15 DEAN: Alright.

16 FISHER: Bye.

17 DEAN: Bye-bye.

18 Pause

19 FISHER: Talking into recorder That was a call from,  
20 uh, KEVIN. It's four fifty-three on my computer on  
21 Thursday.

22 END OF CALL

23 KEVIN DEAN: Get that information from you. And, um, uh,  
24 I'll probably call you here in probably about twenty-  
25 five or thirty minutes just to, uh, see if you can

1 explain a little bit to, uh, JOHN, my attorney, so we  
2 can put this thing together. So, and, go meet with,  
3 uh, DON. But, uh, we don't have any information, so,  
4 um, give me a call when you get a chance. Um, eight-  
5 one-seven, three-zero-seven, three-four-eight-seven.  
6 Talk to you later. Bye.

7 UNKNOWN FEMALE: "End of message. Thursday, three-oh-nine  
8 P-M."

9 DEAN: Hey, BILL. This is KEVIN, um, with KDAT. Um,  
10 I'm about to meet with, uh, my attorney. COMER asked  
11 us to put together a little proposal on Dallas West  
12 Village and get some information on it, but I don't  
13 even know the address or the proposed site, or  
14 anything. So, if you can, please give me a call so I  
15 can get that information from you and, um, uh, I'll  
16 probably call you here in probably about twenty-five  
17 or thirty minutes just to, uh, see if you can explain  
18 a little bit to, uh, JOHN, my attorney, so we can put  
19 this thing together. So, and, go meet with, uh, DON.  
20 But, uh, we don't have any information, so, um, give  
21 me a call when you get a chance. Um, eight-one-seven,  
22 three-zero-seven, three-four-eight-seven. Talk to you  
23 later. Bye.

24 UF: "End of message. Message discarded. Thursday,  
25 three-eleven P-M."

1 END OF CALL

2 FISHER: Talking into recorder It's, uh, one UI on

3 Monday on the, uh, eleventh UI.

4 Dial tone

5 Clicking sounds

6 Fast busy signal

7 Dial tone

8 Clicking sounds

9 Clears throat

10 Paus)

11 Telephone rings two times

12 RON FERGUSON: Hello?

13 FISHER: Hey. It's BILL FISHER.

14 FERGUSON: Hey, buddy. How are you doing?

15 FISHER: I'm good.

16 FERGUSON: Good. I was just checking with you to see,

17 uh, see where we were on that, uh, on that deal.

18 FISHER: Well, I've been working with KEVIN, uh, on, you

19 know, trying to handle the political side of it, but I

20 proceeded, I mean, I'm up for, the zoning case is up

21 on Wednesday, so, I'm not sure...

22 FERGUSON: UI

23 FISHER: Whether he's done any magic or not.

24 FERGUSON: Uh, well... you know the last time I talked

25 to COMER he mentioned he had some agreement

1 between y'all and...

2 FISHER: Well, you know, the, it's kind of a chicken or  
3 the egg thing, but I sent him a draft of an agreement,  
4 uh, by e-mail this morning, so...

5 FERGUSON: Okay.

6 FISHER: Do you, do you want a copy?

7 FERGUSON: Yeah.

8 FISHER: Okay. I'll shoot a copy over to you here in just  
9 a minute.

10 FERGUSON: 'Cause, uh, they do, uh, they are ready to  
11 move. That's why I was checking.

12 FISHER: The problem I've got, uh, you know, like I  
13 said, I've got an agreement out to 'em to look at,  
14 so... I'll e-mail it over to you as well.

15 FERGUSON: Okay.

16 FISHER: It'll come to the Tricom One.

17 FERGUSON: That'll work.

18 FISHER: So, they've got a meeting set up, or they can  
19 get a meeting done quickly? That kind of thing?

20 FERGUSON: Well, yeah, yeah.

21 FISHER: Well I was trying to get SALEEM to move  
22 quickly, so I kept asking KEVIN if he'd tell me they  
23 had something teed up that could give me an excuse to  
24 fire drill it, but I did manage to get him to look at it  
25 this weekend, so...

1 FERGUSON: Really?

2 FISHER: So it's out the door. Just waiting to hear

3 back from them

4 FERGUSON: Alright, I'll

5 give him a holler.

6 FISHER: Do you think he can help, or...

7 FERGUSON: Uh, I'm almost sure he can. If I was a

8 betting man I would, let me say, I'd bet on it.

9 FISHER: Uh, he sounded like he'd worked with him, with

10 DON, DON before, so...

11 FERGUSON: Yeah.

12 FISHER: Okay.

13 FERGUSON: All right.

14 FISHER: Got my fingers crossed.

15 FERGUSON: All right, buddy. I hope so.

16 FISHER: UI

17 FERGUSON: You still got your land, right?

18 FISHER: Yeah, I still have the land under contract.

19 FERGUSON: Okay.

20 FISHER: All right.

21 FERGUSON: All right. Bye.

22 FISHER: Bye.

23 END OF CALL

24 FISHER: Talking into recorder All right. It's, uh,

25 six forty-two on the car clock on, uh, Tuesday the

1 twelfth. I'm returning JOHN LEWIS' call. He just  
2 called me, uh, when I was in the, uh, airport parking  
3 lot. And I'm still here.  
4 Buzzing sounds  
5 JOHN LEWIS: Hey BILL.  
6 FISHER: Hey. Yeah, is this JOHN?  
7 LEWIS: Yeah. JOHN and KEVIN.  
8 FISHER: Hey. How are you?  
9 LEWIS: Good. I was looking over your, your agreement  
10 with, uh, KEVIN.  
11 FISHER: Right.  
12 LEWIS: And I may have some changes UI  
13 FISHER: That's fine. I mean, I ex, that's the purpose  
14 of circulating this so you guys could, uh, comment on  
15 it. I expected that, frankly. I hadn't heard from  
16 you, so I was just wondering whether, uh, I had left  
17 too much out or included too much. I wasn't sure.  
18 Laughs  
19 LEWIS: Laughs There's never, hey, there's never too  
20 much in it.  
21 FISHER: No problem. UI you know, my, uh,  
22 lawyer met with DON HILL yesterday afternoon sometime,  
23 I mean, he's just, you know, I mean, you guys  
24 obviously, I don't think have talked to him and, uh,  
25 he's, you know, has no intention of proceeding on my



1 deal, so... there's certainly a huge uphill to go  
2 here. You know I'm scheduled to go tomorrow, so, you  
3 know, somebody needs to be talking to him about at  
4 least postponing...  
5 Two beeping sounds  
6 As opposed to turning us down. But, uh...  
7 Two beeping sounds  
8 You know, RON called me yesterday and asked me  
9 where we were with, uh, with the case. I just told  
10 him it was still on the docket for then, so...  
11 LEWIS: Hmm.  
12 Beeping sounds  
13 KEVIN DEAN: We've met with DON.  
14 FISHER: What?  
15 DEAN: We've met with DON.  
16 FISHER: Oh, you did? Did you talk to him today?  
17 LEWIS: Yes, I have.  
18 FISHER: Great. Yeah, it was good timing then, so...I  
19 was in the seminar all day but I was actually getting  
20 ready to call RON here this evening to tell him, so...  
21 LEWIS: Oh. Who's your lawyer?  
22 FISHER: My attorney is JOHN SHACKLEFORD.  
23 LEWIS: Okay.  
24 DEAN: Now we talked to DON.  
25 FISHER: Oh, no, no. My zoning attorney is SUZAN KEDRON

1 Who is an African-American woman, uh, from  
2 JACKSON WALKER.  
3 Beeping sound  
4 LEWIS: Mm-kay.  
5 FISHER: And she met with DON, uh, yesterday afternoon.  
6 D'ANGELO LEE popped in and it, you know...  
7 LEWIS: Right. Now who UI there was still an  
8 impression that they were gonna turn this project  
9 down, correct?  
10 FISHER: Absolutely. They, he had done a complete  
11 eighty from when I had, uh, spoken with him about, uh,  
12 oh maybe eight or ten weeks ago and, uh, um, you know,  
13 just pretty much where I, it was, uh, when, uh, when  
14 RON called me.  
15 DEAN: Uh, BILL, BILL  
16 FISHER: Yes.  
17 DEAN: We met with, uh, DON. We got everything taken  
18 care of and we need to take care of, of some things,  
19 uh, on this letter first.  
20 FISHER: Well, you guys tune up the letter and shoot it  
21 over to me, um, and I'll try to get it turned around  
22 as quick as possible.  
23 DEAN: Well, we need it back before ten because we have  
24 to give an answer by ten o'clock.  
25 FISHER: Okay. You need it by ten o'clock, well shoot

1 it, E-mail it back to me or fax it back to me as soon  
2 as you're done.

3 DEAN: Okay.

4 FISHER: (Stutters) I'll go into the office tonight. I  
5 just got in from Austin from a seminar, uh, that's  
6 required. I have to take it in order to participate  
7 in the programs down there at, uh, T-D-H-C-A. So, um,  
8 'cause it, uh, frankly wasn't a good time for me to be  
9 away from the office, but tell me, just tell me when I  
10 need to go in and retrieve it and I'll try and get it  
11 turned around as quick as I can.

12 DEAN: Can you get it back to us tonight?

13 FISHER: Well, UI are you able to shoot it over to me  
14 now?

15 LEWIS: Uh, probably in the next fifteen minutes.

16 DEAN: Next fifteen minutes. And I also need to ask you  
17 a question about, uh, because we had something come up  
18 to us we didn't know. Uh, who is DARREN REAGAN?

19 FISHER: Uh, DARREN REAGAN is a, uh, shall I say, I  
20 guess he fancies himself I think as a developer. He,  
21 uh, operates a non-profit, uh, that he calls BSEAT.  
22 The Black State Employees Association of Texas.

23 DEAN: Okay. Do you have anything in writing with him?

24 FISHER: No.

25 LEWIS: Any agreement, any agreements that we should be

1 aware of?

2 FISHER: No. No, not at all. I mean, I had agreements,  
3 RON's familiar with this. I had an agreement on West  
4 Village with DARREN REAGAN. He did not perform, took  
5 a bunch of money from me, insisted on major  
6 modifications to the agreement in order to proceed,  
7 which basically involved, you know, uh, money amounts  
8 and, uh, control over the development that could not,  
9 that any developer couldn't agree to, let alone, uh,  
10 you know, a company like ours. So, the way it was  
11 left with DARREN, you know, DARREN's position on the  
12 deal, and again I think RON knows this, is you'll  
13 either sign all these modifications and change our  
14 agreement on all of this stuff and my compensation and  
15 everything, or, you know, I'm not doing the deal. So,  
16 and that's the way it was left. He knows that we're  
17 not doing what he's asked us to do. He has a  
18 completely skewed view of the amount of money that is  
19 available in these transactions to pay developers and  
20 contractors and particularly when the money actually  
21 flows out of a deal and is earned. So, um, and of  
22 course again, RON was aware of this, I think, when he  
23 first talked to, uh, you or COMER or both of you.

24 DEAN: Okay. Um, JOHN, should we talk to him about the  
25 retainage?

1 LEWIS: Sure. There are a couple of issues...

2 DEAN: UI We figured out how we want to do the third-

3 party in, invoicing.

4 FISHER: Yeah, these, these additional costs. Well,

5 first of all, did you guys come up with a budget?

6 DEAN: Yeah. You told me fifty and I stuck to.

7 FISHER: Well, is that per project?

8 DEAN: Yeah.

9 FISHER: Okay. So what are we talking, what are we

10 talking about? Four projects here? Or is this the two;

11 Pecan and West?

12 DEAN: Aah, I thought, I thought we were talking about

13 four.

14 FISHER: Okay. That's all right, okay, alright, I

15 understand. Okay, and then how do you guys wanna handle

16 it?

17 Pause

18 FISHER: You gonna bill me for it?

19 LEWIS: Well, typically the way, uh, you know, I, I'm a,

20 I'm a lawyer. I perform consulting services as well

21 as legal services. Typically, I just get paid a

22 retainer and I bill out on my retainer.

23 FISHER: Okay. So then I guess I'm being billed for a

24 retainer on each job?

25 Pause

1 LEWIS: Sure.

2 FISHER: And then ultimately, again, I gotta account  
3 for, you'll send something that'll account for it as,  
4 as legal services or consulting services or both.

5 LEWIS: Both.

6 FISHER: Okay.

7 LEWIS: Bill you for consulting services to help you  
8 with any or additional issues or anything that comes  
9 up along the way.

10 FISHER: Okay. Then that'll take care of everybody  
11 downstream from you?

12 LEWIS: Yes.

13 DEAN: Yes. Hey, uh, BILL, I thought it was two  
14 projects in San Antonio.

15 FISHER: Two in San Antonio and two here in Dallas,  
16 right? Two in San Antonio and then Pecan Grove and  
17 West Village. Those are the four I thought we were  
18 talking about.

19 DEAN: Okay.

20 FISHER: And is, is that not what you guys were  
21 proposing? And then the possibility of, uh, being in  
22 the development loop on the, uh, West Village side in  
23 some way.

24 LEWIS: Right.

25 DEAN: Uh, for some reason I thought it was...

1 DEAN: Five.

2 DEAN: UI.I'm getting old...

3 FISHER: Well, I have three projects in San Antonio, but

4 I don't know if I can do all three because I think

5 the, the bidding is already done and wrapped up on the

6 first deal, 'cause I think they're already under

7 construction. I think that was the comment that...

8 DEAN: Yeah, that was, you, you did tell me that.

9 You're right.

10 FISHER: But as far as third-party expenses, if it needs

11 to be more than the fifty per, well, I mean just tell

12 me what the budget is. I mean, I, you know, and I, if

13 I can do it, I'll do it. I mean, if it needs to be

14 two-fifty, you have to tell me 'cause I need to look

15 at my budgets and make sure I can pay it 'cause I

16 don't wanna agree to do, do anything I can't, I can't

17 fund.

18 DEAN: Well, that's what I told him. It was five

19 projects.

20 FISHER: Okay, so you're saying, uh, we're gonna have to

21 come up with two-fifty at UI I mean, bottom

22 line is it's gonna be two-fifty.

23 DEAN: Yeah.

24 FISHER: All right. All right. Well, again, you know,

25 I, I just, you know, I need to look at my budget and

1 make sure I can do that, so, but I understand what the  
2 number is, so, shoot your stuff over and I'll head  
3 into the office here in the next half an hour and look  
4 at it. Can I call you back on this number tonight if  
5 I need to?

6 DEAN: Yeah. Talking in background

7 FISHER: All right.

8 DEAN: Um, when, when, when do I UI, when do we  
9 get the first retainer so I can explain that to...

10 FISHER: Well, you know, frankly I, its, it's not gonna  
11 be by ten tomorrow morning. I mean, I'll need a day  
12 or two to come up with at least the first retainer. Uh...

13 DEAN: Well...

14 FISHER: Are we gonna need to postpone to get some  
15 time for this to get organized?

16 DEAN: No.

17 LEWIS: We can get this approved and UI

18 DEAN: We're gonna get this approved and, and, and, and,  
19 we gonna get it done.

20 FISHER: Well let me, do this, shoot the agreement over  
21 and let me look at it and I'll call you back and I'll  
22 let you know what I can, can do or can't do. And when.

23 DEAN: Okay.

24 FISHER: And then, then we can make some decisions off  
25 of it.



1 DEAN: Okay.

2 FISHER: All right. Well thanks, KEVIN. Thanks, JOHN.

3 LEWIS: UI

4 FISHER: Um, and it's, I show it's about ten to seven,

5 so I'll get back to you no later than eight.

6 LEWIS: Okay.

7 DEAN: Okay.

8 FISHER: All right. Bye-bye.

9 DEAN: Bye.

10 Clicking sounds

11 END OF CALL

12 FISHER: Talking into recorder It's, um, a quarter to

13 ten on, uh, Tuesday. Two calls have been placed from,

14 uh, KEVIN.

15 Dials telephone number

16 Telephone rings three time)

17 UNKNOWN FEMALE: "You have reached...Please leave your

18 Message after the tone."

19 Beep

20 FISHER: Hey, it's, uh, BILL FISHER. I'm returning your

21 call. You tried me on the cell phone and I, it

22 doesn't have reception here in my house, so, um, you

23 can call me at home. Two-one-four, five-two-one, six-

24 nine-two-six. Five-two-one, six-nine-two-six. Bye.

25 (END OF CALL)

1 Telephone rings two times

2 UNKNOWN FEMALE: "You have reached...Please leave your  
3 message after the tone."

4 Beep

5 FISHER: Uh, hey, it's BILL FISHER. I, uh, just put a  
6 call into you from my house phone and left that number  
7 too, so, reception here on my cell isn't great at the  
8 house, so, call me on the land line or call me on this  
9 line and I'll call you back on my land line, either  
10 works. It's about a quarter to, uh, ten on Tuesday  
11 night. Bye.

12 END OF CALL

13 Beeping sound

14 FISHER: BILL FISHER.

15 KEVIN DEAN: Hey, BILL?

16 FISHER: Yeah. Hey, KEVIN. How are you?

17 DEAN: Uh, pretty good. Hey, uh, JOHN's got that  
18 letter, uh, revised and everything. He was gonna send  
19 it over to you, but I didn't have your e-mail address  
20 so I'm headed back to the office so I can get it.  
21 And, uh, he's gonna get that to you probably, it'll  
22 probably take me about fifteen minutes. I apologize  
23 I'm calling you so late.

24 FISHER: Well, no, that's fine. Really, you know,  
25 let's, let's work this, let's get this thing all, all

1 put in place, but really, I mean let's not fire drill  
2 for tomorrow. DON can delay us for a couple of weeks  
3 and it'll just give us a few days here to get our  
4 business wrapped up and, uh, frankly I think there's  
5 something procedural that SUZAN wants him to do for us  
6 because we have an agreement with the neighborhood and  
7 this should only be a majority vote. So there's an  
8 issue, a procedural issue to be worked out that DON  
9 needs to work on that probably is gonna take two weeks  
10 anyway. So I, as soon as I get it from you, I've  
11 alerted SALEEM. He's gonna come in in the morning and  
12 look at it. You know, we'll certainly try and respond  
13 here quickly, but, uh, you know, I think drawing for  
14 tomorrow. I mean, we'll do what we can, I just don't  
15 want you to think that it could be done in twenty, you  
16 know, hours or whatever we've got left here.

17 DEAN: Well, I'd like for you to talk to JOHN about that  
18 because, BILL, I mean, we've busted our butts to get  
19 this done, and we spent almost...

20 FISHER: That's fine, KEVIN. I'll do it as quick as I  
21 can. I'm gonna respond. It's UI last minute, I'm sure,  
22 uh, uh, you understand that I just don't want to, you  
23 know, again, I, you've got things that you want from  
24 me here quickly. I'll do what I can, but, uh,  
25 you know, the issue is you're

1 gonna have certain things in there that you guys are  
2 gonna want and I need to be able to tell you whether I  
3 can do it, so...Let, let me look at it and I've got  
4 SALEEM alerted and we'll, we'll react as quick as we  
5 can here.  
6 DEAN: Okay.  
7 FISHER: All right?  
8 DEAN: All right.  
9 FISHER: But you will hear from us in the morning,  
10 so...Now UI how are you, how are you all  
11 getting it to my office?  
12 DEAN: He's gonna e-mail it. He's gonna, gonna e-mail.  
13 FISHER: Well, do I need to call him? I mean he's, uh,  
14 I know you've gotten e-mails from me. I don't think  
15 I've sent one to him, though, you know.  
16 DEAN: Yeah, that, that's what...  
17 Recording malfunction - unable to hear conversation  
18 END OF CALL  
19 JOHN LEWIS: Hello.  
20 KEVIN DEAN: JOHN?  
21 LEWIS: Yeah.  
22 DEAN: BILL?  
23 FISHER: I'm here.  
24 DEAN: JOHN?  
25 LEWIS: Yes.

1 DEAN: Can you hear me, JOHN?

2 LEWIS: Yeah, I can hear you. Go ahead.

3 DEAN: BILL, can you hear me?

4 FISHER: I can.

5 DEAN: Okay. Everybody's on.

6 LEWIS: Right. So where are we now?

7 DEAN: Uh, BILL, will you explain it to, uh, JOHN?

8 FISHER: Well, UI KEVIN called and I understand

9 you were trying to get this draft over to me about

10 some logistics or something. I told him I had SALEEM

11 coming in early in the morning. But getting a final

12 agreement and me being able to scramble to get some

13 money up here between now and ten o'clock, that's

14 gonna be tough to do. I was telling, um, uh, you

15 know, KEVIN, let's go ahead, let's get our deal

16 wrapped up here and, uh, put on paper, but, you know,

17 let's get DON to postpone for a couple of weeks here

18 until we're in a position to get the thing done. I

19 don't wanna delay either, but there's a procedural

20 issue with the public hearing that SUZAN KEDRON

21 wants them to do. We have an agreement

22 with the neighbors, so we have no opposition, so, you

23 know, since I opened the public hearing, some issues

24 about what, how, how and, how these folks go about

25 withdrawing their objections and entering their

1 support on the record at this point. So, SUZAN, I  
2 guess she was over there, I think, frankly, to talk to  
3 DON about it, uh, yesterday but, uh, you know, the  
4 environment on the case was certainly not positive.  
5 Which is what I told, uh, KEVIN earlier tonight, so,  
6 I'll move as quickly as I can. I'm not foreclosing  
7 anything, but I haven't seen the agreement. I need to  
8 look at your changes, know what I need to do by ten  
9 o'clock, I got SALEEM coming in at nine, you know,  
10 we'll respond as quickly as we can here. It's just,  
11 you know, however it is happening, it's short notice.  
12 So, I just want to make sure I can perform on what you  
13 guys need me to do and do it in the time frame that's  
14 agreed. So, it's the only reason I'm hedging.  
15 DEAN: The, the...  
16 FISHER: Go ahead.  
17 DEAN: The problem is, is that we made promises that  
18 this would get done and everything and now...  
19 FISHER: Well, I warned you about this, KEVIN. You and  
20 I have spoke about this. I needed to know what the  
21 budget was, we needed to see a final deal. I'll  
22 respond as quick as I can, but...  
23 DEAN: You gave me, you gave me a budget and you, and I  
24 told you I'll make sure that I, I will get that taken  
25 care of.

1 FISHER: Well, again, the budget was what you all needed  
2 to pay your third-party costs on this deal. I was  
3 just trying to tell you that there's limits on what is  
4 available out of these budgets to do it, so...You  
5 know, we talked earlier tonight about four, I don't  
6 know if you've got five in the current agreement, but if  
7 you'll shoot it over. SALEEM and I are in as early as  
8 we can get in practically in the morning, we'll look  
9 at it right away. We'll be on it immediately. I'm  
10 just not sure what you guys need me to do between now  
11 and ten, so it's difficult for me to commit. Um, I  
12 mean, obviously you want a signed agreement, correct?

13 LEWIS: Right. We, we would like a signed agreement,  
14 but I also would like to, uh, have a commitment with  
15 you on this deal.

16 FISHER: Well, a retainer. How, how much are you guys  
17 looking at initially? It's not like, um, we don't have,  
18 you know, resources, but, you know, if you need the whole  
19 thing or most of it here, it's gonna take a couple of  
20 days for us to do that.

21 DEAN: Well, we were just, uh, we were just, he only  
22 asked for half of it, which I, I shouldn't even be  
23 saying he, um...

24 LEWIS: You know, you know to engage me, and make sure we  
25 keep this thing moving and done tomorrow.

1 FISHER: Well, I...

2 LEWIS: I'd like to...

3 FISHER: Go ahead.

4 LEWIS: I'd like to, I'd like to get at least half of my  
5 retainer tomorrow.

6 FISHER: Oh...

7 LEWIS: You know, we could work out the rest, you know,  
8 a good faith showing, and you know, the retainer would  
9 be held in escrow until, uh, it, it's approved.

10 FISHER: Okay. Our...

11 LEWIS: UI the work, I will return it.

12 FISHER: Are you talking about four files or five files?

13 DEAN: No. Just, just, uh, half that.

14 FISHER: Half of the five files?

15 DEAN: Yes.

16 LEWIS: Right.

17 FISHER: Okay. Um, again, we'll do what we can here. I  
18 don't know if I can do it by ten o'clock. But, you  
19 know, send over the agreement and exactly what I need  
20 to do and I'll let you know first thing in the  
21 morning. I just, we're gonna do what we can as quick  
22 as we can here, guys. But I don't know if that's what  
23 we can do. SALEEM's gotta be in the loop here, um, at  
24 least for money on a quick basis here, so, um, but,  
25 you know, I'll call you, I told, uh, KEVIN, you guys



1 we're gonna be in early. I told him SALEEM and I'd  
2 get in about seven or so. We'll try and let you guys  
3 hear some follow-up from us, you know, by eight, eight-  
4 fifteen.  
5 LEWIS: That's fine.  
6 DEAN: UI  
7 LEWIS: Go ahead, KEVIN.  
8 DEAN: Yeah. And BILL, he gave us 'til ten o'clock,  
9 so...  
10 FISHER: Well, we understand that. We understand. So,  
11 I mean, I understand the deadline DON's imposed, so,  
12 we're checking on it, KEVIN. I, I'll do everything I  
13 can. So, but you want me to promise you I could do  
14 it, I've gotta have SALEEM in the loop to do that,  
15 but, you know, he, he knows we need to, we've been  
16 working this for a while, so...  
17 DEAN: Okay. Well, I'ma, I'ma get this e-mail over to  
18 you.  
19 FISHER: Yeah, that's the most important thing. Get me  
20 the agreement and what's the final requirements here  
21 and that'll let me circulate it here to SALEEM and  
22 everybody else and let's, you know, we'll, we'll...  
23 DEAN: Okay.  
24 FISHER: We'll try to move quickly in the morning.  
25 DEAN: All right. It's coming to you, uh, in about five

1 minutes.

2 FISHER: Okay.

3 LEWIS: Be to you in five minutes.

4 FISHER: Hey, JOHN, uh, give me your phone number, too,

5 so I've got it in case I need to call you separately.

6 LEWIS: Sure. My number's two-one-four.

7 FISHER: Right.

8 LEWIS: Seven-six-three.

9 FISHER: Right.

10 LEWIS: Three-seven-four-nine.

11 FISHER: Great. All right, JOHN. I've got it and I'll,

12 I'll call either soon as I get the agreement and have

13 a chance to look at it and get some kind of feedback

14 from SALEEM early, I'll call either or both of you

15 first thing.

16 DEAN: Okay.

17 FISHER: Okay, guys.

18 LEWIS: Alright.

19 FISHER: Thank you.

20 DEAN: BILL, I mean, uh, JOHN. I'll call you back.

21 LEWIS: Okay. All right, all right.

22 FISHER: Bye.

23 Dial tone

24 END OF CALL

25 FISHER: Talking into recorder I'm now returning RON

1 FERGUSON's call from this morning. It's the  
2 thirteenth, about eight fifty-five.  
3 Pause  
4 Dial tone  
5 Cellular telephone rings in background  
6 Clicking sounds  
7 RON FERGUSON: Yes, this is RON FERGUSON. I'm sorry I'm  
8 not available to answer your call, but if you leave me  
9 a short message and a number, I'll get back with you  
10 as soon as possible. Thank you.  
11 Beep  
12 FISHER: Uh, good morning, RON. It's, uh, BILL FISHER.  
13 It's about eight fifty-five. I'd got your message on  
14 the, uh, cell phone here just a minute ago. I'm  
15 returning your call. I'm at my desk. Nine-seven-two,  
16 seven-oh-one, five-five-five-one. Seven-oh-one, five-  
17 five-five-one. Or you can call me on the cell.  
18 Seven-five-five, two-five-three-nine. Two-one-four,  
19 seven-five-five, two-five-three-nine. Thanks.  
20 END OF CALL  
21 Telephone rings in background  
22 FISHER: Talking into recorder UI BILL FISHER.  
23 RON FERGUSON: Good morning, good morning, good morning.  
24 FISHER: How are you?  
25 FERGUSON: I'm doing good. How about you, guy?

1 FISHER: I'm, I'm alive. That's always a good sign.  
2 FERGUSON: Yeah. Above ground is better than below  
3 ground.  
4 FISHER: That's right. Laughs That's right.  
5 FERGUSON: Laughs  
6 FISHER: Alive and kicking.  
7 FERGUSON: Say, ahh, I had a question for you.  
8 FISHER: Yes.  
9 FERGUSON: KEVIN was saying that you had, you had, you  
10 needed an extension?  
11 FISHER: Well, I, UI they got the same thing, they got the  
12 re-draft of the deal to me last night at eleven o'clock.  
13 And so I've got SALEEM looking at it now here this  
14 morning. They're also looking for, you know, like a  
15 hundred and twenty-five thousand dollars before ten  
16 o'clock this morning. I just don't see that. You  
17 know, we've got to finalize an agreement, get  
18 something signed and I've gotta have a couple of days  
19 here to get their money out. So, I draw off a line of  
20 credit for my pre-development stuff, so...I was just  
21 telling them that I would do everything we can this  
22 morning but, uh, you know, it's just too much of a  
23 fire drill, frankly, and again I got their redraft at,  
24 uh, eleven last night, we're just looking at it, uh,  
25 here this morning and, uh,...So, I'm

1 going to respond as quick as I can here to them in the  
2 next, frankly, probably in the next fifteen minutes on  
3 the doc. So, so I was telling him the two weeks won't  
4 really hurt us 'cause we have a procedural thing we  
5 need to do with DON since we've got the neighbors  
6 support, in order for them to record, you know,  
7 withdraw their opposition and record their support.  
8 And, you know, SUZAN was over there actually I think  
9 on Monday to talk to DON about it. So, um, I know  
10 they...  
11 FERGUSON: What is the, what is the, uh...  
12 FISHER: Their part of the problem is, is the document  
13 they sent me they didn't red line, so I'm trying to  
14 kind of compare what I've sent them...  
15 FERGUSON: Right.  
16 FISHER: To what, uh...  
17 FERGUSON: What you...they sent you.  
18 FISHER: Laughs Exactly. So, which is not UI...  
19 FERGUSON: He sayin', he, he sayin', he sayin' that  
20 if he doesn't agree to it today, then he ain't gonna  
21 worry with it, so now if nothing else, I guess you  
22 need to get that part cleared up.  
23 FISHER: Oh, you're saying that...  
24 FERGUSON: That, and that...  
25 FISHER: Who, who's, who's, who's telling me that?

1 DON?

2 FERGUSON: I, I don't think, I don't think he realized  
3 that the two weeks, he's not asking for two weeks for  
4 the approval, he's just asking, you're just asking for  
5 two weeks for the process.

6 FISHER: Yeah, that's right. Well, just, yeah, just,  
7 yeah, I mean...

8 FERGUSON: Well, he, he...

9 FISHER: Again, I don't, I don't think I can do what  
10 KEVIN and those guys are asking me to do here in the  
11 next hour, frankly, so I'm not sure where that puts  
12 us. All we can do is, you know, try and wrap up here  
13 over the next forty-eight hours between KEVIN and you  
14 and me and, and JOHN LEWIS, make sure we've got it  
15 right so that DON's happy with it and then let me get  
16 some money up here between now and it will then be,  
17 uh, April twenty-seventh when the case goes forward  
18 then. That's what I'm suggesting. That we just take the  
19 extra...

20 FERGUSON: Okay.

21 FISHER: Two weeks again 'cause I, you know, just a  
22 quick look at it here, they're looking to get vested  
23 into G-P interest and some other stuff that I didn't,  
24 you know, have in my original document. They, they'd  
25 need a hundred and a quarter by ten today and, uh,

1 that's, you know, like I said, it'll be Friday probably  
2 before I have a hundred and a quarter for 'em, so...  
3 FERGUSON: Mm-hmm.  
4 FISHER: That's just the reality of it. So...  
5 FERGUSON: Right.  
6 FISHER: Do you want me to call them and...But I really  
7 told he and JOHN LEWIS that about ten-thirty last  
8 night. I said hey guys, you know, whether it's my  
9 fault or your all's fault, we're doing this here at  
10 the last minute. I'm not gonna be able to get all  
11 this stuff done here and what is basically gonna be  
12 twelve hours. So, um, um...  
13 FERGUSON: Right.  
14 FISHER: So let's, let, let's, you know, call, call  
15 DON, tell him we've, you know, got an agreement in  
16 principle, we're working through the document. I'm  
17 gonna need a couple of days to get the money up and  
18 let's, he can roll it for two weeks 'til the twenty-  
19 seventh. That's, that's the recommendation. Are you  
20 saying DON's saying I'm either gonna pass it today or  
21 forget about it?  
22 FERGUSON: Well, he sayin' he wants to pass, he wants to  
23 know by ten o'clock so he can go ahead and get the  
24 passing process done.  
25 FISHER: Clears throat

1 FERGUSON: I guess get everybody prepared to pass it.

2 FISHER: I understand. What I'd rather do is do it

3 right and I think he should...

4 FERGUSON: Uh-huh.

5 FISHER: He should, you know, he, he gave us an

6 earful on Monday about why he wasn't gonna do the

7 case, so I know he has not talked to the other council

8 members. Don't you think it'd be smart to take two

9 weeks and let us get wrapped up and get our money

10 shuffled and, uh, be all ready to go for the twenty-

11 seventh?

12 FERGUSON: Well, as long as he'll pass it. You know?

13 As long as he'll pass it and, and, he says...

14 FISHER: What's the, what's the difference between

15 passing it today and passing it here it in two weeks?

16 FERGUSON: I don't know UI...

17 FISHER: I mean, you know how it works, RON. Somebody

18 needed to tell me about five days ago that I needed to

19 come up with a hundred and quarter.

20 FERGUSON: Absolutely. And I understand that...

21 FISHER: I've been asking every e-mail, every call I've

22 had to KEVIN, you've got to tell me what the budget

23 is. I can't agree to anything without knowing what

24 the number is that DON wants, and I need to be, have a

25 chance to get the money up, so tell me, tell me, tell



1 me, and of course Sunday, I don't think they really  
2 got with him and again, I'm not being critical, I just  
3 don't think they were able to cross with him until  
4 Monday or Tuesday, so, um...

5 FERGUSON: Well that, they were waiting, they, they were  
6 waiting to talk to you first before they, they did  
7 that part. But anyway, um...

8 FISHER: Well I told them that we had to run parallel  
9 courses here if we were gonna get it done. They  
10 oughta be talking to DON...

11 FERGUSON: Right.

12 FISHER: And let him know we're working on an  
13 agreement and that kind of stuff. I frankly, I don't,  
14 I had the impression from JOHN LEWIS that he didn't  
15 know what the number was until he talked to DON,  
16 so...Would you not agree with that? Laughs

17 FERGUSON: Right, right. I agree.

18 FISHER: All right. So...

19 FERGUSON: I agree.

20 FISHER: So...

21 FERGUSON: I agree.

22 FISHER: ...let's, you know, why don't you touch base...

23 FERGUSON: UI

24 FISHER: With KEVIN for me. Let me finish, uh,  
25 comparing these two documents so I can get some

1 comments back to him so at least we know what we can  
2 and can't agree to, and let's...  
3 FERGUSON: Right.  
4 FISHER: Get it worked out among us, uh, girls first.  
5 You guys know what DON wants. We're, that's embedded,  
6 that's obviously, we got, we have to do that. So  
7 let's work out the other details here in the, in the  
8 next, you know, forty-eight hours and we'll get some  
9 money up and then you guys can go meet with DON and  
10 have ten days and, you know, we can have it all, uh,  
11 in good order for the next, uh, uh, council meeting.  
12 FERGUSON: Okay.  
13 FISHER: All right?  
14 FERGUSON: All right.  
15 FISHER: Call me if that's a huge problem. I just  
16 don't, I, there's just nothing I can do, I think, this  
17 morning.  
18 FERGUSON: Okay.  
19 FISHER: All-righty.  
20 FERGUSON: All right. Bye.  
21 FISHER: Bye.  
22 Callers hang up  
23 END OF CALL  
24 Cellular telephone rings  
25 Long pause

1 FISHER: UI  
2 Recording malfunction - call cuts in and out; static  
3 FISHER: Let me do this UI I've got a million five  
4 ninety. UI Hey, RON.(UI) SALEEM already had me booked  
5 (UI). Can we do this this afternoon, maybe about three  
6 thirty?  
7 RON FERGUSON: Man, JOHN and KEVIN are already headed over  
8 here 'cause they were trying to get, make the crowd  
9 downtown happy. So, I told them that you said you'd,  
10 you'd, you'd, you know, you'd, you'd be in at one so  
11 they were already headed over here, so...  
12 FISHER: Well, see, and again, I'm so tied up on this  
13 call.  
14 So I can only get out when I can get out. Um, you, you  
15 guys haven't eaten lunch. Why don't, I'll try and do  
16 it sooner, uh, as soon as I can. So, I'll try to get  
17 there between two and three. UI Are you gonna do it up  
18 at TNL? Or are you gonna come here?  
19 FERGUSON: Well they're, they were planning on  
20 coming there.  
21 FISHER: Well that's fine. The reality is I won't, I, I  
22 won't be able to do it 'til after two. I won't be off  
23 this...  
24 FERGUSON: UI  
25 FISHER: Call here for probably another thirty

1 minutes.

2 FERGUSON: Okay.

3 FISHER: Can you, can, can you, they can burn an hour.

4 Uh, call 'em and tell 'em to go have lunch...

5 FERGUSON: Okay.

6 FISHER: And bring me the bill.

7 FERGUSON: All right.

8 FISHER: Okay.

9 FERGUSON: All right, buddy.

10 FISHER: Bye.

11 FERGUSON: Bye.

12 END OF CALL

13 Telephone rings one time

14 FISHER: Talking into recorder UI

15 JAMES FANTROY, JR.: UI..I, we have three days that, that

16 Lapsed over, uh, from that final invoice down in Houston.

17 FISHER: Okay. You can fax it over, but I'll also give

18 you the address.

19 FANTROY: Okay.

20 FISHER: Um, you ready?

21 FANTROY: Yes.

22 FISHER: The fax number is nine-seven-two, seven-oh-one,

23 five-five-six-two.

24 FANTROY: All right.

25 FISHER: And as far as the contact stuff I'm sending,

1 you still have your, uh, you still have you're A-O-L  
2 account don't you?  
3 FANTROY: Yes, sir.  
4 FISHER: I'm gonna send you an e-mail right now here  
5 that's got all the new contact stuff on it.  
6 FANTROY: Okay. Great, great.  
7 FISHER: You know, we're in the same place, we're just  
8 over on the second tower, suite twelve-thirty-five.  
9 FANTROY: Yeah, I came over once.  
10 FISHER: That's right.  
11 FANTROY: It's like, looks like it's gonna be a  
12 beautiful office.  
13 FISHER: Ya, it is. It's nice. It's, uh...  
14 FANTROY: Yeah.  
15 FISHER: Main thing is it's permanent, so we can, uh,  
16 spread our stuff out.  
17 FANTROY: Great. That's great. Uh, while I've got you  
18 on the phone, what is our progress on your other,  
19 other, uh, thing?  
20 FISHER: Well, you know, again, I would, these, we're  
21 not gonna start here on most of these jobs for another  
22 few weeks. The way I left it with your dad is he and  
23 Reverend JOHNSON and DON HILL were gonna get together  
24 and have a conversation about how business was going  
25 to be conducted in the future. Um, and that really

1 impacts, you know, my ability to consider contracting  
2 with you guys.

3 FANTROY: Okay.

4 FISHER: And so the way your dad left it, and I, I think  
5 you were in the room when he picked up the phone and  
6 called Pastor JOHNSON. He and DON and, uh, Reverend  
7 JOHNSON was to have a conversation about how  
8 everybody's gonna do business going forward. 'Cause  
9 really, right now, I've just, because of getting beat  
10 over the head by the mayor and with your dad not being  
11 able to vote, etcetera, I'm out in the cold. I got  
12 nobody to advocate for me and, you know, DON hung me  
13 out for more than, you know, frankly close to a  
14 million dollars in the deals in his district.

15 FANTROY: Whooooo!

16 FISHER: Um, and, you know, so we just need to resolve  
17 that. Your dad's pitch was we just, you know, it just  
18 needs to be equitable. BRIAN got five projects last  
19 year, I got one. That, that dog doesn't hunt.

20 FANTROY: Yeah, I understand.

21 FISHER: So, and so as long as your dad can sort through  
22 that and get back to me, I mean, that's the pre,  
23 precursor here to us talking about more business.

24 FANTROY: Okay, so we, we, we, we still got a couple of  
25 weeks then?

1 FISHER: Yeah, absolutely. I'll, you know, I'll flag you.  
2 But again, he, I know he's busy with election and  
3 everything else. I guess it could probably, frankly,  
4 I think it'll be all right. He's definitely gonna  
5 need to address it as soon as the election is over.  
6 That week of the seventh.  
7 FANTROY: No problem. No problem.  
8 FISHER: So, if, if, if he can get something worked out  
9 with everybody between then and the middle of May,  
10 then we'll definitely have something to talk about.  
11 FANTROY: All right.  
12 FISHER: Fair enough?  
13 FANTROY: That's fair.  
14 FISHER: Okay. Well I sent you the contact stuff by e-  
15 mail. Fax me your latest invoice and we get it  
16 reviewed and out the door if we can.  
17 FANTROY: Okay, appreciate it.  
18 FISHER: All-righty.  
19 FANTROY: All right.  
20 FISHER: Thanks.  
21 FANTROY: Bye.  
22 FISHER: Talking into recorder 12:30.  
23 END OF CALL  
24 FISHER: UI  
25 RON FERGUSON: Yeah, I got a question for you.

1 FISHER: Yes.

2 FERGUSON: I'm sitting here with, uh, JOHN and, and

3 KEVIN.

4 FISHER: Right.

5 FERGUSON: And they're saying they need to make a call,

6 they just need to know if, if, if you're in on the

7 deal and if they can get it signed at two.

8 FISHER: If they can get it signed up at two?

9 FERGUSON: Yeah.

10 FISHER: What, that they're gonna go ahead and pass the

11 case, and then I'm not gonna, I wouldn't have any

12 money here...

13 FERGUSON: Well, UI...

14 FISHER: For a day or two UI...

15 FERGUSON: I think, I think you and JOHN gon' work

16 that piece out. But he wanted to be able to make the

17 phone call now 'cause he said he, he wants to get it

18 passed today.

19 FISHER: Okay, so JOHN wants to pass it today or DON

20 wants to pass it today?

21 FERGUSON: Him.

22 FISHER: Uh, DON. Okay. All right. Well, it's, you

23 know, let me, uh, walk down the hall. SALEEM and I

24 are just getting off this conference call, as a matter of

25 fact, I've got the guy muted right now. Give me ten



1 minutes here and, uh, let me walk down the hall and UI...

2 FERGUSON: It's ten, ten minutes to one.

3 FISHER: UI

4 FERGUSON: Get right back. He, he, he's waiting on his

5 call.

6 FISHER: All right. Okay. DON's waiting on the call.

7 I understand.

8 FERGUSON: DON's waiting on it.

9 FISHER: I understand. I understand.

10 FERGUSON: All right.

11 FISHER: Thank you.

12 FERGUSON: Bye.

13 END OF CALL

14 Loud static

15 Note: Static occurs through duration of this call

16 FISHER: Talking into recorder It's, uh, 1: 30 on the

17 UI

18 Dial tone

19 Dialing

20 Clears throat

21 Telephone rings one time

22 RON FERGUSON: Hello?

23 FISHER: Hey, how are you?

24 FERGUSON: All right, guy.

25 FISHER: Sorry. I'm just trying to drill here as fast

1 as I can. You know, I'm not sure where you guys are,  
2 but, you know, frankly, my, we just need to slow  
3 down...  
4 Static  
5 We're not gonna get anything done today. We've gotta  
6 get this agreement into an orderly manner where I can  
7 approve it. You know, when I first talked to KEVIN, I  
8 mean, he was talking fifteen or twenty thousand  
9 dollars for DON and the number's obviously huge now,  
10 and I'm not saying I wouldn't...  
11 FERGUSON: Well, maybe you just need to UI  
12 Loud static  
13 FERGUSON: Right now UI  
14 FISHER: UI Seriously, UI I can't make a decision UI  
15 needs to postpone the case for two weeks so we can work  
16 something out. I'm not saying I can't do the deal UI  
17 and that's what he's requiring, there isn't any mark-up  
18 in it...  
19 FERGUSON: Huh?  
20 FISHER: And number two, all the money...  
21 FERGUSON: UI  
22 FISHER: I'm just saying if all the money is for DON and  
23 that's what he's requiring, then I don't think we have  
24 a choice. The issue then is can I agree to that much  
25 and how can I get it to you guys because the agreement

1 basically says, you know, give me half of it now and  
2 half of it in seven days. You know how money flows in  
3 and out of these deals, uh, don't you...

4 FERGUSON: UI

5 Long pause

6 FERGUSON: UI it's up to you, but you need to do it now  
7 Because he said he gonna get it approved today or he's  
8 going to kill it. UI

9 FISHER: He's gonna pass it or he's gonna kill it.

10 FERGUSON: He's gonna kill it. He's gonna get it  
11 approved today UI. UI already talked about it in  
12 the chambers UI get it done UI. And I mean I understand  
13 what he's talking about because if he keeps doing  
14 that, then somebody gon' start thinking something.  
15 You know what I'm saying?

16 FISHER: UI Well, this thing's postponed UI...he was  
17 telling SUZAN on Monday. He was considering holding the  
18 case over. UI But, um

19 FERGUSON: Well, but he's saying he's gonna get it  
20 approved, BILL. Now you need to call your, you need  
21 to, you're in the driver's seat. You need to  
22 determine whether you wanna wait, or just let him kill  
23 it, or are you going to do the deal? UI

24 End of Side A

25 Side B

1 At, at, at one-fifteen or one-thirty. They're  
2 saying they need, you need to get the damn agreement  
3 done or else they're gonna get mad.  
4 FISHER: Well, you know...  
5 FERGUSON: UI  
6 FISHER: Frankly, I mean...  
7 FERGUSON: I mean, now I think what you need to do is...  
8 FISHER: It...  
9 FERGUSON: You either tell 'em no and let it go away  
10 because, uh, you know, to be honest UI...  
11 FISHER: RON, you know, again, RON, I can only agree to  
12 something that I can agree to. What I have in front  
13 of me calls for me to pony up two hundred and fifty  
14 thousand bucks in seven days. And I, I, you know, I  
15 can't do that. Now can I come up with two-fifty in  
16 increments over maybe a ninety day period? Yeah. I  
17 could probably do that. We need to sit and...  
18 FERGUSON: UI You need to ask JOHN that same question  
19 you just asked me.  
20 FISHER: JOHN, not DON.  
21 FERGUSON: Right.  
22 FISHER: UI  
23 FERGUSON: And that way you don't have to worry about  
24 it, okay? You get, you, I think you get, I think he  
25 can solve those issues for you.

1 FISHHER: As to how the money flows?

2 FERGUSON: He's up against the wall right now whether

3 it's gonna, whether it's gonna, whether he's gonna be

4 able to get it done or not. So, I mean, that's UI...

5 END OF CALL

6 JOHN LEWIS: Hello?

7 FISHHER: Hey, is this JOHN?

8 LEWIS: Yeah, this is JOHN.

9 FISHHER: Hey, it's BILL FISHER. How are you?

10 LEWIS: Yes, BILL.

11 FISHHER: Good. I was just telling RON, I mean, this is

12 all coming at me here awfully quickly and I'm trying

13 to do what I can here on short notice. That's why I

14 was suggesting maybe a two-week postponement here by

15 DON to give us a chance to get this worked out. I

16 was, you know, RON is more familiar with how these

17 deals are structured financially. You know, my, my

18 question for him is the two-fifty all third-party

19 cost? I mean, there's no mark-up in it, it's all,

20 it's all going on to...'Cause when I first talked to

21 COMER, I mean, he was talking like, you know, fifteen

22 or twenty-five thousand dollars, so...

23 LEWIS: UI

24 FISHHER: So, it's, it's, you know, the number's gone up

25 sig, significantly. If it's all, if it all covers DON

1 and that's what he requires, then that's something  
2 we'll have to deal with. If this...

3 LEWIS: I've never, I've never said he requires that. He  
4 didn't require that at all.

5 FISHER: Okay.

6 LEWIS: He didn't require anything.

7 FISHER: Well, you know, the, the idea here was to, you  
8 know, try and fund you this retainer. Only the stuff  
9 that was directly related to our, to your third-party  
10 cost.

11 LEWIS: Right.

12 FISHER: And then number two. Whatever that number is,  
13 um, you know, you know, I, the, the way, RON knows how  
14 we work. We're a development company so we draw money  
15 each month. We've got a development line of credit,  
16 that kind of stuff. You know, I need to spread the  
17 money out, probably over about a ninety-day period.  
18 And of course your all's document required me to come  
19 up with all of it in about seven days. So, you know,  
20 I'm not sure if that's workable for you all.

21 LEWIS: Yeah, if, if, if you work with me, and we can  
22 come to an agreement on this, we can work it out. I just  
23 need some good faith to know that we have a deal and that  
24 we're gonna work out the development deal we have with  
25 those parameters that we have.

1 FISHER: Okay. So then, I mean really, we can, then I  
2 can time the cash and that's kind of sixty to ninety days  
3 to get you guys paid up on whatever the amount we agree on.  
4 LEWIS: Yeah.  
5 FISHER: Does it, does it have to be two-fifty? I mean,  
6 COMER had a much lower number when I first met with  
7 him.  
8 LEWIS: Well, that's, that's the out-of-pocket  
9 consulting fees that, that I know we have to pass  
10 up...  
11 FISHER: Okay.  
12 LEWIS: Pass on to make sure it goes off.  
13 FISHER: All right. And everybody, everybody okay,  
14 downtown will be happy. That, as long as that's the  
15 number then that's what you need to tell me and  
16 there's no wiggle room. Okay?  
17 LEWIS: If, if, if I had any, I'd tell you. But I, this  
18 is straight pass-through.  
19 FISHER: Okay. All right. That's what I needed to  
20 know. And COMER's in the loop. I know, I mean,  
21 obviously I've been dealing with you and KEVIN but,  
22 uh, I just want to make sure COMER wasn't being left  
23 out in the cold.  
24 LEWIS: No he's not. He's on board.  
25 FISHER: Okay. And he's been helping here?

1 LEWIS: Yeah.

2 FISHER: Okay. Did, uh, I got an e-mail from SUZAN

3 KEDREN saying that you guys had met with DON

4 yesterday. So, did COMER participate or did you just

5 handle that?

6 LEWIS: I handled that.

7 FISHER: Okay. All right. Okay. Well, let me do this.

8 I mean, I know you're looking for something quick

9 here. Let me, uh, walk down the hall and talk to

10 SALEEM. I'll call you right back. Are you there with

11 RON? Can I just call you on this line?

12 LEWIS: Yeah.

13 FISHER: Okay.

14 LEWIS: Question, Question. Let's kinda recap to see

15 where we are. We, we, we know what the out-of-pocket

16 expenses are. Uh, I know you want to try to fade it

17 in over the next sixty to ninety days, right?

18 FISHER: That's right.

19 LEWIS: How much is the initial payment going to be?

20 FISHER: Um, well tell me what you need. I mean, I'd

21 probably say, you know, twenty percent of it and do it

22 in about three installments. Something like that.

23 LEWIS: Um, let me, let me talk to KEVIN.

24 FISHER: Okay.

25 LEWIS: Hold on one second.



1 Long pause

2 LEWIS: Uh, KEVIN said there's no problem as long as

3 there's good faith.

4 FISHER: Okay. All right. I understand. Well, you're

5 gonna wanna put it in the agreement, aren't you?

6 LEWIS: Yeah. I just need to know if we, if we have a

7 deal we'll write it up, but I'm gonna make the phone

8 call and do what we need to do to get your project,

9 uh, approved.

10 FISHER: Okay. Give me, give me two minutes here and

11 I'll call you right back.

12 LEWIS: All right.

13 FISHER: Thanks.

14 LEWIS: Bye.

15 FISHER: Bye.

16 END OF CALL

17 FISHER: Talking into recorder UI called, uh...

18 Loud static

19 Long pause

20 FISHER: Hey, sorry. I'm just, you know, I'm pounding

21 the phone on the other side trying to...

22 RON FERGUSON: I understand.

23 FISHER: Trying to get into a position where I can

24 agree to something. You know, again, I, you know, is

25 KEVIN okay with...

1 Loud static

2 Something in the twenty percent range here as quick as we

3 can, uh, after today and then paying the rest out when, you

4 know, as the deal comes together in some installments?

5 Is that gonna work for you guys?

6 FERGUSON: That's what JOHN and KEVIN agreed to.

7 FISHER: Okay. All right. Um...

8 FERGUSON: But he's got to have the bread Bill, 'cause

9 he's, he's, he's, he's gotta call him so he can do one or

10 the other. You know?

11 FISHER: Okay. All right.

12 FERGUSON: And I UI I'm just being honest with you.

13 FISHER: Oh, I understand. I, I passed it on. That's

14 what I told SALEEM, so, uh, we just wanted to make

15 sure that the, you know, again, we just don't want you

16 guys beating us up here for another couple hundred in

17 about three weeks. It's gonna...

18 FERGUSON: No...

19 FISHER: Have to come out in installments.

20 FERGUSON: I don't think JOHN and them would do

21 you like that, man. It's fine...

22 FISHER: Well, that's fine. And, and you know, you know,

23 you've been around with me long enough. You know how

24 we, we meet our commitments over here.

25 FERGUSON: Right. Now here's the deal, though. I mean,

1 uh, if you want him to call, you're gonna have to have  
2 the agreement. The agreement is, is basically for  
3 somebody else's, uh, um...  
4 FISHER: For COMER's benefit.  
5 FERGUSON: There you go.  
6 FISHER: Okay. All right. Yeah, he told me that.  
7 FERGUSON: Yeah.  
8 FISHER: He told me COMER's UI. So, what do I do? Do  
9 I, ch, ch, do I need to change the, just put an  
10 asterisk by these money amounts and, uh...  
11 FERGUSON: Well hold, hold on, let me, let me...  
12 FISHER: Okay.  
13 FERGUSON: Let UI JOHN right quick.  
14 FISHER: Oh, okay.  
15 JOHN LEWIS: Hello?  
16 FISHER: Hey.  
17 LEWIS: Yeah.  
18 FISHER: Yeah, I was asking, you know, I mean, I know,  
19 uh, COMER wants something signed here quickly. The,  
20 how do I alter the money amounts to allow me to pay a  
21 portion of it and then the balance out in some  
22 installments as the deal, you know, through a normal,  
23 you know, deal funding cycle? Do I just put an  
24 asterisk and put something on the bottom, or what do  
25 you, what do you want me to do?

1 LEWIS: What we could do is add, uh, add an addendum to  
2 it.  
3 FISHER: Okay.  
4 LEWIS: Or put an asterisk and we'll do an addendum.  
5 FISHER: Okay.  
6 LEWIS: We can initial that.  
7 FISHER: Okay.  
8 LEWIS: And let it go that way.  
9 FISHER: No sweat. Well I'll get, uh, I'll get that  
10 cranked up here real quick. Give me, give me another  
11 two minutes here and I'll call you right back.  
12 LEWIS: Alright  
13 FISHER: Just tell you we're on.  
14 LEWIS: Because if we're on, let me go ahead and make  
15 the phone call. I'll take your word for it.  
16 FISHER: Well, no I, SALEEM's got UI let me, I  
17 just need to walk down the hall. Give me, give me two  
18 minutes here, but I think this'll work.  
19 LEWIS: All right.  
20 FISHER: Okay. Bye-bye. Hey, JOHN? JOHN? JOHN?  
21 Talking into recorder That was a call, it's, uh,  
22 now like two-oh-two on my computer screen. It was a  
23 call to, from, follow-up from a call RON FERGUSON put  
24 into me and that was JOHN LEWIS, the attorney, on the  
25 line.

1 END OF CALL  
2 Loud static  
3 FISHER: Clears throat  
4 Telephone rings three times  
5 RICHARD LNU: Hi, this is RICHARD with UI. Please  
6 leave a detailed message at the tone and I will call  
7 you back.  
8 UNKNOWN FEMALE: To leave a voice message, just wait  
9 for...  
10 Dial tone  
11 Dialing  
12 Note: Loud static is heard throughout the following  
13 telephone call  
14 RON FERGUSON: UI  
15 FISHER: UI SALEEM says UI let's take two weeks here  
16 and just see if UI he would really like UI pay  
17 schedule UI. I talked to JOHN LEWIS UI.  
18 FERGUSON: UI  
19 FISHER: UI Give me a phone number UI.  
20 FERGUSON: I'll call him and have him call you.  
21 FISHER: Well, you can call him on my behalf and if he  
22 needs to call me, tell him to call me on the cell.  
23 FERGUSON: All right. Bye.  
24 END OF CALL  
25 END OF TAPE